

DEVELOPMENT SERVICES DEPARTMENT

Planning & Zoning Division

MEMORANDUM

PZ 4-12-04

TO: Mayor and Councilmembers
Planning and Zoning Board

CC: Thomas J. Willi, Town Administrator
Mark A. Kutney, AICP, Development Services Director

THRU: Marcie O. Nolan, AICP, Planning Supervisor

FROM: Christopher M. Gratz, Planner II

DATE: April 14, 2004

RE: ZB 3-1-04 Continental Concrete Batch Plant

Please be advised that the owner of the property for the above captioned petition has withdrawn the request. Attached is the correspondence from the owner. Please note that the owner (Austin Forman) had originally signed the application, but at a later date decided that he did not want to proceed forward with the request.

M. AUSTIN FORMAN
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VIA FACSIMILE 954-797-2061 and 954-797-1086
AND VIA E-MAIL

April 14, 2004

Mr. Tom Willi, Town Administrator
Town of Davie
6591 Orange Drive
Davie, FL 33314

Mr. Mark Kutney, Director
Development Services
Town of Davie
6591 Orange Drive
Davie, FL 33314

Gentlemen:

It has come to my attention today that an application for rezoning No. ZB 3-1-04, Continental Concrete Batch Plant, is scheduled for the agenda of April 14, 2004. The request is to rezone 3.699 acres from M-4 Limited Heavy Industrial District (Broward County) to M-3, Planned Industrial Park District.

Please be advised that the landowners have executed no application to rezone their property nor have they participated in this rezoning request. Any attempt on the part of the Town to rezone this property will be considered a breach of the 1984 Annexation Agreement.

I do not understand how the Town of Davie has allowed someone who does not own the property to apply to rezone it. The last time I reviewed Florida Law it did require a landowner to request a change of this nature and that tenants are not allowed to rezone their landlord's property. In addition, surrounding property owners have not been notified, as we have received no notices and we own adjacent properties. As the landowner, I would respectfully request that this application be withdrawn and that no action be taken.

Thank you for your immediate attention to this matter.

Best regards,


M. Austin Forman

MAF:vlg

cc: H. Collins Forman, Esq. (Via Facsimile)
Monroe Kiar, Esq. (Via Facsimile 954-584-9723)